THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.17280 and 17281 of 2007

Dated:14.08.2007

Between:

Sri V.Vasantha Kumar.

…Petitioner

and

Government of Andhra Pradesh,
Rep.by its Secretary to Government,
Revenue (Assignment) Department,
Secretariat, Hyderabad,
And others.

…Respondents

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COMMON ORDER:

The petitioner is a Member of Legislative Assembly. He is in possession of the land admeasuring Acs.41.35 cents in Survey No.282 situated at Chollongi Village of Tallarevu Mandal in East Godavari District. It is alleged that this land was initially assigned to Government employees working in the Collectorate in 1962. These persons alienated the land, and ultimately, M/s.Star Marine Foods (P) Limited established Aqua Project in 1988. The petitioner purchased this land under different sale deeds, and at present is conducting Aqua Culture operations. The petitioner also obtained lease of other lands. On 28.09.1996, the Mandal Revenue Officer, Tallarevu, issued notice in Form-I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, calling upon the petitioner to show cause as to why the land admeasuring Acs.41.35 cents in his possession should not be resumed for contravention of the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). Aggrieved by the said notice, M/s.Star Marine Foods (P) Limited, represented by its Executive Director, petitioner herein, preferred a revision before the Government. It is still pending. The Mandal Revenue Officer also issued a notice on 07.08.1996 purportedly under Section 6 of the Andhra Pradesh Land

Encroachment Act, 1905 (for short 'the Land Encroachment Act'). Against said notice also, the petitioner preferred a revision before the Government. These revisions are still pending.

It is alleged that the land, which is in possession of the petitioner is not assigned land, and therefore, the provisions of the Act or the Land Encroachment Act, have no application. It is also alleged that the Government issued G.O.Ms.No.6, Animal Husbandry and Fisheries (Fish.II) Department, dated 06.01.1994, and a sequential Memo, dated 27.06.1994, for regularization of such encroachment on payment of market value. The petitioner also filed applications seeking such regularization. It is alleged that the issue of assigned lands allotted to landless poor persons has been highlighted in the media. As a result of this, the persons belonging to the opposite political parties are trying to invade the land and dispossess the petitioner. The petitioner filed these two Writ Petitions seeking a direction to the Government – first respondent herein – to dispose of the revision petitions filed by him, and also to take necessary steps to protect the land in Survey No.282 in his possession.

This Court has heard the learned Senior Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment) for respondents. Learned Assistant Government Pleader does not dispute that the revision petitions are still pending. After getting instructions, the learned Assistant Government Pleader submits that the revision petitions stand posted to 25.08.2007. As the revision petitions are pending for over a decade, it would be appropriate that the Government should dispose of the matters, after giving an opportunity of hearing to the petitioner, on that day itself without further delay.

The Writ Petitions are accordingly disposed of. No costs.

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(V.V.S.RAO, J)

14.08.2007

Note: Issue C.C today.

B/o.

vs